

REAL ESTATE COMMISSION  
Professional & Vocational Licensing Division  
Department of Regulatory Agencies  
State of Hawaii

MINUTES OF MEETING

Date: Thursday, August 28, 1975

Place: Board Room, Department of Regulatory Agencies  
1010 Richards Street, Honolulu, Hawaii

Present: Douglas R. Sodetani, Chairman  
Herbert S. Isonaga, Vice Chairman  
Mrs. Mary V. Savio, Member  
Tadayoshi Ishizu, Member  
Ah Kau Young, Member

Robert G. Klein, Departmental Complaint Officer  
Allan Kawada, Deputy Attorney General  
Yukio Higuchi, Executive Secretary  
Mrs. Karen Hirota, Clerk-Stenographer

Wesley Park, Associate Professor of College of Business  
Administration  
Lew Nevels, Jr., Attorney for Durrel Robison  
Durrel Robison, Respondent  
Ellen L. Ho, Applicant for salesman license  
Frank Newhall, Rod Burgess Realtors, Inc., Representing  
Ellen L. Ho  
Milton M. Motooka, Pres. of Hawaii Assn. of Real Estate Schools  
John Stapleton, John Stapleton School of Real Estate  
Vincent Yano, Attorney  
Marie L. Carty, Doug Carty, Inc.  
Bah Carty, Doug Carty, Inc.  
Walter Beh, II, Conroy, Hamilton, Nickelson & Rush  
Bernice Littman, Cades, Schutte, Fleming & Wright  
Shirleen K. Fontillas, Doug Carty, Inc.  
Douglas M. Carty, Doug Carty, Inc.  
Paul E. Denis, Denis & Carty Realty, Ltd.

Absent: John M. Urner, Member

Excused: John D. Texeira, Member

Called to Order: There being a quorum, Chairman Sodetani called the meeting  
to order at 9:05 a.m.

Minutes: Mary Savio moved and Tadayoshi Ishizu seconded to approve the  
minutes of the July 31, 1975 meeting as circulated with the  
following change:

Page 1, Absent: John D. Texeira, Member (to)  
Excused: John D. Texeira, Member

Motion unanimously carried.

Hearing:

Discussion on Exceptions Filed by Durrel L. Robison on Hearing Held on RE-547, Response of Department to Respondent's Exceptions, and Reply of Durrel L. Robison to Response of Department of Regulatory Agencies

Deputy Attorney General Allan Kawada added some oral arguments to the comments that were sent to the Commission.

He submitted to Durrel Robison a copy of the investigation report and requested that it be part of the record. He further stated that although the investigation report is part of the record, it is not part of the evidence.

Attorney Lew Nevels stated that they oppose to the additional findings of facts and suggests that the Commission base its action upon what it or its hearing officers have in fact heard.

He further requested the Commission to consider two things:

1. There were two different advertisements. One ad was for the Waikaloa property, which was the concern in the hearing. The second ad is what they objected to.

He has favored the Commission to look at what is actually put into evidence.

2. A review of correspondence before the hearing.

Durrel Robison made a closing statement stating that when he asked to be heard by the Commission, he was only trying to ascertain what the real question was, to reconsider the reprimand and express his feelings on it.

Herbert Isonaga made motion to reprimand Durrel Robison for violation of Section 467-14(4), H.R.S., and Rule 1.10(a) of the Commission's rules and regulations. Mary Savio seconded the motion. Motion unanimously carried.

Committee Reports:

Real Estate Education Advisory Council

Executive Secretary reported that he received a call from Beverly Muir advising him that she thinks someone else should be given an opportunity to serve as editor of the Commission's Newsletter.

Continuing Education

Executive Secretary submitted a copy of the contract to Allan Kawada to look into.

Wesley Park appeared before the Commission to give his views on continuing education and to ask what the Commission's feelings are (1) regarding giving financial assistance to

setup an instructors seminar at the Makaha Inn or Kuilima Hotel, and (2) give financial assistance to offer the advance real estate courses.

Chairman Soderari suggested that Wesley Park work on the details and that some of the staff and Commission members participate in this. He also requested that Wesley Park give us an estimate cost of how much money would be involved.

#### Hiring of Educational Consultant

Herbert Isonaga reported that he has prepared a written request to the Director requesting approval to hire the services of an Educational Consultant. He also reported that a contract agreement form was also drafted and submitted together with the request to the Director. Allan Kawada was requested to review the contract agreement in the interest of expediting this project.

Wesley Park mentioned that a requirement will be made of the consultant to sit through a real estate course so he will have the knowledge of real estate.

#### Establishment of a Real Estate Chair

Executive Secretary reported that he met with Mary Savio, Herbert Isonaga and the Director Wayne Minami, and they are currently working on the hiring of an educational consultant project then they will work on the real estate chair.

#### Purchase of Film "On the Move"

Executive Secretary reported that he wrote to Donald Tallman regarding who we should make the check to and whom we place the order with.

#### Book Donations

Executive Secretary reported that at the last meeting he requested Mary Savio to notify him as to what kinds of books she wanted.

Mary Savio informed that they have not decided as yet.

#### Condominium Review Committee

##### Study on "Time Sharing" Legislation (H.R. 734)

Executive Secretary reported that John Urner will be getting the answers to the questions that was presented by Representative Dennis Yamada.

He further reported that John Urner was informed that the Commission needs the proposed legislation and proposed rules and regulations by August 29, 1975.

Study on Condominium Problems (S.R. 399 and H.R. 694)

Mary Savio reported that the Committee had a meeting last week and will be having a meeting next week.

The Chair directed Mary Savio to look into the matter of temporary occupancy permit and to check with the various counties also.

Legislation Committee

Executive Secretary read a definition of the word "solicit" written by Richard Lachman and referred it to Ah Kau Young.

Real Estate Recovery Fund

Executive Secretary circulated copies of the balance of funds as of July 31, 1975. The total collections in trust is \$399,848.61. The total collections and deposits in the real estate education fund is \$175,773.60.

Ah Kau Young moved and Herbert Isonaga seconded to a motion that the Executive Secretary prepare a press release on Douglas Correa as to the Real Estate Recovery Fund. Motion unanimously carried.

Attorney General's Report

Deputy Attorney General Allan Kawada informed that the agenda of the Commission may be changed on a two-thirds vote of the members of the entire Commission.

He also reported that he is still working on the vacation licenses to find out what they are actually doing, if what they are doing is legal, if it is a real estate activity, and do they need to be licensed.

Business Out  
of Minutes:

Questionable Applications

Douglas Chew Kum Tom, Applicant for Real Estate Salesman License

Executive Secretary reported that the hearing was concluded at the last meeting. Ah Kau Young closed the hearing and he will be getting together with John Teixeira to write the hearing report.

Calvin W. Ontai, Applicant for Real Estate Broker License

Executive Secretary reported that he has not received a hearing report from the Deputy Director, who acted as the hearing officer on this matter.

Tad T. Miura, Applicant for Real Estate Salesman License

Executive Secretary read a letter received from Tad Miura dated August 8, 1975, explaining his delay in submitting his application for real estate salesman license.

Mary Savio moved and Ah Kau Young seconded that we grant Tad Miura his license. Motion unanimously carried.

Ellen L. Ho, Applicant for Real Estate Salesman License

Mrs. Ellen Ho appeared before the Commission for an informal hearing and presented her reason for the delay in applying for her real estate salesman license.

Frank Newhall, Manager of Rod Burgess Realtors, stated that it was not the negligence of Ellen Ho but of the office.

Mary Savio moved and Ah Kau Young seconded to accept Ellen Ho's application for a salesman's license. Motion unanimously carried.

Luncheon Recess: Chairman Sodetani called a luncheon recess at 11:25 a.m.

Reconvened: Chairman Sodetani reconvened the meeting at 1:05 p.m.

Investigations: RE-518 Singleton Associates

Executive Secretary reported that this case had a hearing and the hearing officers' came out with their facts and findings of law. Copies of these findings were sent to the Singletons and Donald Brandy.

It was further reported that he received a letter from Mr. Brandy acknowledging receipt of the report. The Singletons have not replied as of yet.

Herbert Isonaga moved and Mary Savio seconded the adoption of the hearing officers' recommendations pertaining to the facts and findings. Motion unanimously carried.

RE-528 Durrel L. Robison

Executive Secretary reported that there will be a continuation of hearing on this matter on the same date as the next meeting.

RE-577 Masao Shintani

Executive Secretary reported that this case was referred to the Attorney General's office on August 22, 1975 through Robert Klein, Complaint Officer.

Chairman Sodetani appointed Ah Kau Young as the Commission's hearing officer in this case.

RE-593 Jerry A. Ching

(Same as reported above)

RE-595 Empire Properties, Inc.

Executive Secretary reported that this case was referred to the Attorney General's office on August 22, 1975 through Robert Klein, Complaint Officer.

Chairman Sodetani appointed Herbert Isonaga as the Commission's hearing officer in this case.

RE-586 Harbor Lights Condominium

Executive Secretary read a letter dated July 15, 1975 from Honofed Corp. He mentioned that the developer did their best to try and settle this matter.

Mary Savio moved and Herbert Isonaga seconded to dismiss this case on the grounds that the developer has done their best to try to settle this matter with complainant. Motion unanimously carried.

RE-605 Robert E. Jobes

Herbert Isonaga suggested that the Commission red flag his record card in case he should come in to restore his forfeited license. Tadayoshi Ishizu seconded. Motion unanimously carried.

RE-612 Douglas Correa

Herbert Isonaga moved and Tadayoshi Ishizu seconded that the Commission withhold any action against Douglas Correa until such time as he comes back into the state. Motion unanimously carried.

RE-615 Priscilla Hilt

Executive Secretary reported that there was no unethical conduct or misrepresentation found.

Ah Kau Young moved and Mary Savio seconded to dismiss this case. Motion unanimously carried.

RE-616 Douglas H. Correa

(Same as reported under RE-612 Douglas Correa)

RE-619 First Hawaiian Realty, Ltd.

Mary Savio moved and Herbert Isonaga seconded that this case be dismissed due to lack of evidence. Motion unanimously carried.

There being a quorum of two-thirds of the members present, Mary Savio moved and Herbert Isonaga seconded to add CON-105 Jason Apartments a part of the agenda. Motion unanimously carried.

Members voted were: Herbert Isonaga, Mary Savio, Ah Kau Young, and Tadayoshi Ishizu.

CON-105 Jason Apartments

Mary Savio moved and Ah Kau Young seconded to refer this case to the Attorney General's office for review and if there are any remedies, that they should be instituted. Motion unanimously carried.

New Business:

Licensing

CORPORATION:

Tom Adams Associates, Inc. - 190 S. King St., #2620, Honolulu  
Thomas K. Adams, PB  
Aliiolani Realty, Inc. - 157 Anapalau St., Honolulu  
Charles E. K. Robinson, PB  
Bishop Associates, Ltd. - 111 Kahala Office Ctr., Honolulu  
Valerie Howell, PB  
Cowell & Co., Inc. - 745 Fort St., #1414, Honolulu  
Don R. Cowell, PB  
Igor, Ltd. - 410 Magellan Ave., Honolulu  
Vincent L. Boylan, PB  
Investors' Research Services, Ltd. - 745 Fort St., PH 2204B  
Richard C. MacDonald, PB Honolulu  
JGL Enterprises, Inc. - 841 Bishop St., #1801, Honolulu  
James G. Lee, PB  
Mauka Kai Realty, Inc. - 1158 Makawao Ave., Makawao, Maui  
Philip E. Mulligan, Jr., PB  
Meridan Properties, division of Park Development Corp. - 190 S.  
Wesley Yamamoto, PB King St., #1386, Honolulu  
Rico-Kai Investments, Inc. - 225 S. Queen St., Honolulu  
Raymond Y. C. Ho, PB  
Territorial Properties, Inc. - 700 Bishop St., #909, Honolulu  
Albert J. Griz, PB

Executive Secretary sees no impediment on the applications for corporations.

Herbert Isonaga moved and Ah Kau Young seconded to approve the applications. Motion unanimously carried.

BRANCH OFFICE:

Ann F. Davidson, Br-1 - 629 Kailua Rd., Kailua  
Ann Hebert, BIC  
General Hawaiian Development Corp., Br-2 - 2207 Kalakaua  
Henry W. Kurkjian, BIC Ave., Honolulu  
Schrader Realty Inc., Br-1 - 3060 Kapiolani Blvd., Honolulu  
Jacob Manegdeg, BIC

Executive Secretary sees no impediment on the applications for branch offices.

Ah Kau Young moved and Tadayoshi Ishizu seconded to approve all applications for branch office. Motion unanimously carried.

TRADENAME:

Richard Daggett Realty - 555 Paiea St., Honolulu  
Richard W. Daggett, dba  
John Dykes Realty - 64 Keawe St., Hilo  
John Dykes, dba  
Jan Hiatt Realty - 629A Kailua Rd., Kailua  
Catherine J. Hiatt, dba  
Doug Kelly - 210 Ward Ave., #104, Honolulu  
Douglas R. Kelly, dba  
Alice C. Lum, Real Estate - 1441 Kapiolani Blvd., #1117,  
Alice K. L. C. Lum, dba Honolulu  
Seedman & Associates - 841 Bishop St., #2101, Honolulu  
Eileen Seedman, dba

Ah Kau Young moved and Tadayoshi Ishizu seconded to approve all applications for trade names. Motion unanimously carried.

Questionable Applications:

Wayne Kinoshita  
Ronald Lee

Herbert Isonaga moved and Tadayoshi Ishizu seconded that the application for Wayne Kinoshita be denied and action on Ronald Lee be deferred and that the Commission request Ronald Lee to appear before the Commission. Motion unanimously carried.

Audience:

Hawaii Association of Real Estate Schools

Milton Motooka appeared before the Commission to view the Association's feelings on the August exam. Motooka submitted copies of the Association's comments on the August 9, 1975 examination. Herbert Isonaga moved and Mary Savio seconded that a copy of the letter be sent to E.T.S. Motion unanimously carried.

John Stapleton submitted copies of the proposed changes or deletions for Chapter 20. Herbert Isonaga suggested that this be postponed so the Commission may review the proposed changes.

Miscellaneous:

E.T.S. Examination Candidate Pledge

It was reported that a copy of E.T.S.'s July 31, 1975 letter pertaining to the candidate pledge was sent to the Hawaii Association of Real Estate Schools with the approval of the Chairman.

1976 Real Estate Examination Dates

Executive Secretary read the dates submitted by the Examination Branch which are as follows:

April 10, 1976  
August 7, 1976  
December 11, 1976

Mary Savio moved and Herbert Isonaga seconded to accept the recommendations of the staff. Motion unanimously carried.

Vincent H. Yano's Request for Approval of Proposed Changes to Haiku Woods (Reg. No. 622), a Registered Condominium Project

Executive Secretary reported that Yano's proposal changes the concept of the public report that was submitted to the Commission around a year ago. The developer now wishes to sell the units on the larger parcel as a fee simple project and the other parcel as a leasehold.

After some discussion, Chairman Sodetani requested that Vincent Yano meet with the Executive Secretary, Clyde Sumida, and Allan Kawada to work out this matter.

Adoption of Commission Policy on Advertisement of Inactive Licensee's Own Property

The Chair directed the Executive Secretary to make some kind of policy. The Executive Secretary informed that until such time as the law is changed, we should go on the basis that an inactive licensee may advertise the sale of his or her own property as owner, provided that, he or she must give written notice to the purchaser prior to entering contract that he or she is the holder of an inactive real estate license. The Commissioners were in unanimous agreement with the thinking of the Executive Secretary.

Request for Funds to Make Random Audits of Client's Trust Accounts

Herbert Isonaga moved and Tadayoshi Ishizu seconded that the Commission request that the Director Wayne Minami seek funds to initiate a random audit of client's trust accounts by a certified auditor. Motion unanimously carried.

Herbert Isonaga moved and Tadayoshi Ishizu seconded to recommend to the Director that the former Attorney General George Pai be considered as a condominium consultant. Motion unanimously carried.

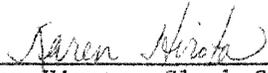
Chairman Sodetani appointed Ah Kau Young as an alternate for the NARELLO Convention in November.

Correspondence: None

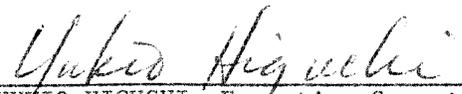
Date of  
Next Meeting: Thursday, September 25, 1975, at 9 a.m.

Adjournment: There being no further business, Chairman Sodetani adjourned the meeting at 4:05 p.m.

Taken and recorded by:

  
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Karen Hirota, Clerk-Stenographer

Approved by:

  
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YUKIO HIGUCHI, Executive Secretary